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Attorneys for Cross-Defendants
Bay Environmental Management Inc., Caesar Nuti, Dennis
Varni, and Estate of Pina J. Barbieri

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JERRY VAUGHN and THERESA TRAVERS,

Plaintiffs,

v.

BAY ENVIRONMENTAL MANAGEMENT
INC., CAESAR NUTI, DENNIS VARNI,
MARIO AQUILINO, LOYD BONFANTE
SR., JOSEPH DELLA ZOPPA, ESTATE OF
RICHARD GRANZELLA SR., EDWARD
MENOSSE, PASQUALE PARENTI, FSC
SECURITIES CORPORATION, AND
JERROLD N. WEINBERG

Defendants.

FSC SECURITIES CORPORATION and
JERROLD N. WEINBERG,

Cross-Claimants,

v.

BAY ENVIRONMENTAL MANAGEMENT
INC., ESTATE OF PINA J. BARBIERI,
CAESAR NUTI, DENNIS VARNI,

Cross-Defendants.

Case No. C03-5725 (SC)

**SECOND STIPULATION AND
[PROPOSED] ORDER CONTINUING
TRIAL DATE TO PERMIT THE
PARTIES TO COMPLETE
MEDIATION**

STIPULATION

This Stipulation is made by and between Plaintiffs Jerry Vaughn and Theresa Travers (“Plaintiffs”), Defendants Bay Environmental Management Inc., Caesar Nuti, Dennis Varni, Mario Aquilino, Loyd Bonfante Sr., Joe Della Zoppa, Estate of Richard Granzella Sr., Eddie Menosse, and Pasquale Parenti, and Cross-Defendant Estate of Pina J. Barbieri¹ (“Bay Environmental Defendants”), and Defendants FSC Securities Corporation and Jerrold N. Weinberg (“FSC Defendants”) (collectively, the “Parties”), by and through their respective counsel of record, with respect to the following facts:

WHEREAS, on November 20, 2009, the Court held a Status Conference and issued a Status Conference Order setting pretrial deadlines and a trial date of June 21, 2010 (Docket No. 145);

WHEREAS, in response to the discovery of 18,000 previously unknown documents, the Parties filed a stipulated request on December 23, 2009, seeking the extension of the pretrial deadlines and a continuance of the trial date so that the Parties could complete discovery (Docket No. 147);

WHEREAS, the Court entered an Order on January 5, 2010 extending the pretrial deadlines and continuing the trial date to September 7, 2010 (Docket No. 148);

WHEREAS, the Parties participated in a full-day mediation on April 12, 2010. While the mediation was not successful, the Parties did make progress;

WHEREAS, the Parties have scheduled an additional mediation session to take place on July 27, 2010;

WHEREAS, the Parties wish to complete the July 27, 2010 mediation to determine if a negotiated resolution is possible before expending the resources necessary to prepare this case for trial;

WHEREAS, counsel for the respective Parties have conferred regarding their other client

¹ Pina Barbieri, named as a Cross-Defendant herein, passed away several years ago. *See* Docket No. 36. Defendants Mario Aquilino, Loyd Bonfante Sr., Joseph Della Zoppa, Estate of Richard Granzella Sr., Edward Menosse, and Pasquale Parenti are Defendants to this action, but have not been named in the FSC Defendant’s Cross-Complaint.

commitments and have determined that they are available for a trial in this case commencing on November 15, 2010.

NOW, THEREFORE, the parties to this action, by and through their undersigned counsel, hereby stipulate, and respectfully request that the Court order, as follows:

A. Trial shall be continued to November 15, 2010, at 9:30 a.m. or at the Court's convenience.

B. A pretrial conference shall occur on November 8, 2010, at 10:00 a.m. or at the Court's convenience.

DATE: June 24, 2010

LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.

By: /s/ Teresa S. Renaker
Teresa S. Renaker
Attorneys for Plaintiffs JERRY VAUGHN
and THERESA TRAVERS

DATE: June 24, 2010

MORGAN LEWIS & BOCKIUS LLP

By: /s/ Nicole A. Diller
Nicole A. Diller
Attorneys for Defendants BAY
ENVIRONMENTAL MANAGEMENT
INC., CAESAR NUTI, DENNIS VARNI,
MARIO AQUILINO, LOYD BONFANTE
SR., JOSEPH DELLA ZOPPA, ESTATE OF
RICHARD GRANZELLA SR., EDWARD
MENOSSE, PASQUALE PARENTI, and
THE ESTATE OF PINA J. BARBIERI

DATE: June 24, 2010

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: /s/ Bernard Gelhar
Bernard Gelhar
Emily Wood
Attorneys for Co-Defendants FSC
SECURITIES CORPORATION and
JERROLD N. WEINBERG

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~~PROPOSED ORDER~~

PURSUANT TO STIPULATION AND AS SHOWN, IT IS HEREBY
ORDERED:

- A. The case shall be set for trial on November 8, 2010, at 9:30 a.m.
- B. A pretrial conference shall be scheduled for November 8, 2010, at 10:00 a.m.

DATE: June 29, 2010

Hon. Samuel Conti
United States District Court Judge
Northern District of California

ATTESTATION

I hereby attest that for all conformed signatures indicated by a “/s/,” the signatory has concurred in the filing of this document.

Dated: June 24, 2010

By: /s/ Nicole A. Diller
Nicole A. Diller

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